App. F. IX-4

Previous References. Legn. 5-41-1

194 (Legn)

File No. 7-43

Serial Nos: |

Later References.

55

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

The Indian Soldiers Litigation (Amendment) Act, 1943

To

The Compiler Mysore Gazette

No RL 165 Legn 7-43-1- dated 12th Aug 1943

Orders the publication of the Act in the Gazette

J. Venkatanarayana
25-8-43

General and Revenue Secretariat R. A. & L. C. | File No. | of 194 | [Ann. F. III–2

Serial No.

Reference is invited to Ordinance LXIV of 1942 of the Government of India which makes certain amendments to the Indian Soldiers (Litigation) Act, 1925.

2 Under the amendments a Soldier who is or has been a Prisoner of War has to be deemed as serving under War Conditions and entitled to the benefits of the Principal Act. Various other amendments of some importance have also been effected.

3 The British Indian Act is in force in Mysore mutatis mutandis and the question whether similar amendments are necessary in Mysore therefore arises for consideration.

4 This may perhaps be sent to the administrative department concerned to examine this question.

Secy (Law) 5-1-43

Asst Secy (Home for L/C) BKR 5.1.43

For perusal in the first instance

Govt Secy 6/1

6. The C. C. file concerned may be returned.

Dewan

13/1/43

GENERAL SECRETARY'S NOTE Contm Sheet 7 JAN. 1943

Copy of the existing Act is flagged herewith 6/1

Linked with the file No. 45 of 40 bearing No. 75 22 08 61-62 Ye Rules under the Indian Soldiers Litigation Act and this linked on 8/2/43

3714

File No. Mthy 162/42-43 of 194

General and Revenue Secretariat, R. A. & L. C.

U.O. No. 1.2.'43.

Serial No.

8. Forwarded unofficially with compliments to the Chief Commandant, Mysore State Troops, for favour of remarks.

(with the Front-Sheet George Gazette d. 29.12.42 to be returned)

B.O

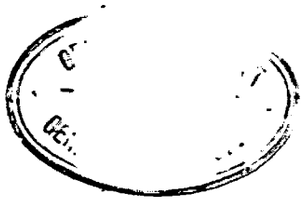
K Rammohan
for General Secretary.

9. Returned with compliments:

I agree with remarks over.

Bangalore,
4th February 1943.

K Vigne Col.,
Chief Commandant,
Mysore State Troops.



S 066 Pol. 1943

From

The Secretary to the Hon'ble the Resident in Mysore.

To SECRET

The Chief Secretary to the Government of Mysore.

Memorandum No.D.14431-42/Judl.
Dated Bangalore, 23 Jany. 1943.

The Indian Soldiers (Litigation) Amendment Ordinance, 1942.

- - -

Attention is invited to the Indian Soldiers (Litigation) Amendment Ordinance, 1942 - Ordinance No.LXIV of 1942 - published in the Gazette of India Extraordinary dated the 12th December 1942.

SECRETARY TO THE RESIDENT.

26 JAN. 1943

BJ

This does not relate to the Courts Section

This may be transferred to the Legislative Section of the P.A. to C. Office for further action.

29/1

30.1.43

30.1.43

Copy of the amending Ordinance referred to in the above receipt is put up herewith

N.B.—should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

An Ordinance to amend the Indian Soldiers (Litigation) Act 1925

General and Revenue Secretariat
R. A. & L. C.

File No. 422/M. of 194 4461 [App. F. III–2

Serial No.

40

The Indian Soldiers (Litigation) Act 1925 of the Govt of India has been enforced, mutatis mutandis, in Mysore by Act No XV of 1941 It is a point for consideration whether the provisions of the present amending ordinance may not be adopted here also

2) Kind attention is also invited to Act No XXVI of 1939 which enforced mutatis mutandis the Defence of India Act 1939 of the Govt of India to Mysore This Act (XXVI 1939) has been amended by the Defence of India (Amendment) Act 1942, (XLIII 1942) by changing its title to "The Defence of India (Adaptation to Mysore) Act 1939.

3) In view of the amendment to Act XXVI of 1939, it is a point for orders whether similar amendment may not be necessary to Act XV of 1941 so as to define its title more clearly

2N. 2-2-43

(13) The question of undertaking legislation in respect on the lines of the British Indian ordinance LXIV of 1942 has been raised by me in another file which has been sent to the adm. Section to examine that question. This reference also may perhaps be transferred to that section

X. ie the ordinance referred to in P. 0.)

NOTE—Contn. Sheet

GEN. & REVTT SECTT

Seen
(A. Le)
2.2.43

G. M. Branch

BKR
4-2-43

3714/J Letter

5

File No.

Ordinance to amend the Indian Soldiers' Litigation Act of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

14 The C.C. has consented to adopt the amending Ordinance to Mysore. The Act NO. XV of 1941 will have to be amended. The amending bill has to be sent to H.H. as in the case of the original Act and it may be necessary perhaps to place it before the Legislature. ~~[illegible]~~

Subs. for orders whether the file may be returned to the Leg: Secy for taking action.
11/2 as instructed by the Asst Secy of final section

6275

15. This will be returned to the Printer for preparing a draft bill. The C.C. has consulted agent in regard to the necessity for the legislation in question (Refer para 9) Refer paras (1-7)

Gen Dy) Dy 11/2

16. The C.C. agrees to the necessary amendments of the Act (Indian Soldiers Litigation Act 1925) enabling the G of I ordinance (7 days) If appd the Legislative section will be asked to propose a draft bill

Dewan-

Dy 12/2 Dy 12-2-43.

17. Submitted to Legl Secy

Dy 13/2

BKR 16-2-43

Dy 13/2/43

Dy 15/2 Dy 15/2

GENERAL SECRETARY. 11 FEB 5139

OFFICE OF THE SECRETARY Mr. D.V. REFRESHMENT LEGISLATIVE

A Bill to amend the Indian Soldiers (Litigation) Act 1925, as enforced in Mysore

General and Revenue Secretariat R. A. & L. C.

File No. 366/R1 of 194 — 3714/Gen — 4461 [App. F. III–2

Serial No.	
18	A draft Bill is submitted for approval 24-2-43 19. Please put up a copy of BUN 24/2 the Mysore Act now to be amended 25.2.43
	No. 7070
20.	A copy of the principal Act is put up herewith 27/2/43 27/2/43
21.	As instructed, notes on important clauses of the Bill are submitted for approval 10-3-43 22. Please put up typed copy of BUN 10/3 Statement of Principles as revised 10.3.43
23.	A typed copy of the Statement of principles and Notes on clauses is put up herewith 10-3-43 24. A draft Bill and a BUN 10/3 Statement of Principles with Notes on clauses is put up for approval 10.3.43 Secy (A.A. & L.C.)
25.	BKR 11-3-43 Law Secy) May be approved 11-3-43 Minister for Law 26. 9/3/43 13.3.43 BKR 11-3-43 11.3.43
27.	16/3/43 Gen. Secy) BKR 15-3-43

OFFICE OF THE MINISTER FOR EDUCATION
Date 12.3.43
No. 4925

SECY. LAW DEPT. 10835 11.3.43

NOTE—Contn. Sheet

GENERAL SECRETARY 15 MAR 1943

6612

7

The Indian Soldiers' (Litigation) Amendment Act — Draft Bill

File No. 4461 of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

30/A D.S.N is submitted. The papers have not been circulated to the Other Members. Action will be taken to place the Draft Bill before the R.A. & L.C. at their next Sessions.

DSN has the papers up after circulation is completed by 17.3

16/2/43 31) This is schedule matter (under cl 2 of the Schedule) and has to be dealt with under para 4 of the rules re Govt Bills (Para 4 of the Business Manual), May be subs to Dewan for orders for being disposed of by circulation by Govt by 17.3

17.2.43 7252

17.2.43 11058

Council case. May be disposed of by circulation

Dewan 17/3

DRM 20.3.43

Chief Sec WJC 22/3 20/3/43

CHIEF SECRETARY. 22. MAR. 1943 GOVT. OF MYSORE. 7960

Submitted with a circulation Memo.

24/3/43

W/3

For Disposal by Circulation.

No. C. 847

.....9.....1942-43.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

7612

Subject

The Indian Soldiers (Litigation) Amendment Act - 1943.

Circulated to the Council of Ministers.

By Order.

J M a r Gwde

.....22nd March.....1943

Chief Secretary to Government.

Minister for Finance and Revenue. 25/3

~~**Minister For Law.**~~

Minister for Education. (Sen,

7950/25/3 **Minister for Local Self-Government and Public Health.**

28.3.43

Dr. S. N. already put up is for appl

Gen see o/c.

Gen see)

Dewan.

W D 01339—GPB—1,000—15-12-42

GENERAL SECRETARY. 30 MAR. 1943

6516

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Indian Soldiers (Litigation) Amendment Act, 1943.

Order.

KRN.
6/4/'43.

No. 721

Chief Secy
8/4/43.
8-4-43

General and Revenue

Secretariat.

c 947.

SUBJECT:—

The Indian Soldiers (Litigation) Amendment Act, 1943.

(*

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

8-6-43

Chief Secretary to Government.

Through the Secretary to Government,

General.....Department.

8/4

8724/10/4.

Minister for Finance and Revenue. 11.4

Minister for Law.

5764/9.4

Minister for Education. 9.6.43

8493/9/4

Minister for Local Self-Govt. and Public Health. 10.6.43

Additional Minister.

Gene Lee 8/4

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

12.4.44

4466/

422/N1

The Indian Soldiers (Litigation) Amendment Act, 1941

If approved this will be sent to the Leg: Secy. for taking further action.

Gen (L)

15/4

15/4

Leg: Secy

15/4

15/4/43

19.4.43

19.4.43

GENERAL SECRETARY. 16 APR. 1943 £977

Subject

Kind reference is invited to the Statement of principles and the Notes on Clauses appended thereto. Orders are solicited whether it is necessary to include the portion relating to Notes on clauses in the Statement of principles to be placed before the R.A.

4-5-43 4/5

It may not be necessary to append notes on clauses as a part of principles of approved only the first paragraph will be put before as a part of principles, the notes on clauses being placed for the use of Govts. & Reasons for the

Leg (R.A. Le)

5.5.43

I agree

5.5.43

SECY. 13/4/43 3/5/43

Law Secy(I)

Cus 5.5.43

Mr. D.V. Copy of Govt. Kannada Translation passed by R.A. on 2-6-43, 10.5.43

R 10.5.43

11. Indian Soldiers (Litigation) Amendment Bill

Continuation Sheet. File No. 422/RL of Page.
Current No.

Supd.

If approved, the Bill will be published under Rule 36 of the Mysore Legislative Rules. The St. of principles with the Notes on clauses will be adopted as the St. of objects and Reasons.

Permission of the Dewan is solicited for Publication under rule 36.

3/6/43

Secy (RA-Le) 3.6.43

BXR 3.6.43

Law Secy)

May be published

Ans 3-6-43

Dewan

KVC 5/6

BXR 3.6.43

Ans 7-6-43

To The Compiler Mysore Gazette

Issued No RL 1120 dated 7th June 1943

Directs publication of the Bill and the Statement of objects and Reasons in the Gazette

Orders of the Dewan have been obtained to include the following motions in respect of the Legislative Business to be transacted at the ensuing Budget Session of the L.C. in the name of the Minister for Education

1. The Minister for Education to introdu

H. E. 7(H)

4 JUN 43

8889

SECY. LAW DEPT. 14619 3/6/43 GOVT OF MYSORE

Please extract motions if which orders have been already obtained

7/6/43

Notes on clauses has been added (as approved at Flag H)

File No 688/RL

The Indian Soldiers (Litigation) Amendment Bill

Continuation Sheet. File No. 422/RL Current No. of Page.

The Indian Soldiers Litigation (Amendment) Bill

2. Also to move that the Bill be taken into consideration by the Council

3. Also to move that the Bill be passed

DV 11/6/43

The Bill was introduced in the legislative council at its recent Budget Session and passed by it on the 5th July 1943.

A copy of the Bill as passed in the council and signed by the president, legislative council, is put up herewith.

A D.F.N is submitted for approval

DV 14/7/43

~~D.F.N~~ is submitted for approval

Sec (A.A. Le) 14.7.43

BXR 14.7.43

SECY. LAW DEPT. 636 1943 GOVT OF MYSORE

Law Secy

Sudra Reddy

15.7.43

OFFICE OF THE MINISTER FOR EDUCATION Date 15/7/43 No. 277

Mudaliar

BXR 15.7.43

Sec 15.7.43

Signed J.N. Places in the file

15/7

15/7

A D.S.N is submitted herewith

DV 16/7/43

Sec (A.A. Le) 16.7.43

BXR 16/7

WD 01809—GPB—60,000—26-1-43

BXR 16.7.43

Dewan

Final Note by the Minister for Education

Subject.— Promulgation of the Indian Soldiers (Litigation) (Amendment) Bill.

The gracious approval of His Highness was accorded on the 6th of April 1943 to the proposal to amend the Indian Soldiers (Litigation) Act as in force in Mysore on the lines of the amending Ordinance promulgated in British India.

The Bill drafted for this purpose was p----d before the Representative Assembly during the last Budget Session and was approved by that Chamber. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

A copy of the Bill as passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Minister for Education.

Bangalore,)
Dated, 15th July 1943.)

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Education on the subject of the promulgation into law of the Indian Soldiers (Litigation) (Amendment) Bill, for His Highness's gracious sanction.

N. Madhava Rau

Bangalore,
16th July 1943.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate into law the Indian Soldiers (Litigation) (Amendment) Bill.

No. 48

Order.

26/7/'43.

General and Revenue

Secretariat.

C111

SUBJECT:—

Proposal to promulgate into law the Indian Soldiers (Litigation) (Amendment) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vidyanandaiah
Chief Secretary to Government.
29/7/43

Through the Secretary to Government,

Law.....Department.

Ans 30-7-43

693
5/8

Minister for Revenue and Law. 6/8

652
30/7

Minister for Public Works. 29-7

896
31/7

Minister for Local Self-Govt. and Public Health. 31.7.43

632
5-8-43

Minister for Industries and ~~Commerce~~ Supplies. 4/8

554
30.7.43

Minister for Education. 30/7

Law Secy
We. WD

6/8/43

Ans 6.8.43

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

The Indian Soldier (Litigation)(Amendment) Act 1943

Continuation Sheet. File No. 37/4 LEG 61
Current No. 422 of 1943 Page.

The gracious assent of His Highness the Maharaja was accorded on the 26th day of July 1943 to promulgate the Bill into law

A draft G.O. directing the publication of the Act as Act No. XXIX of 1943 is submitted for approval.

(Law Secy) 10.8.43

10/8/43

10-8-43

To the compiler Mysore gazette

No RL 165- Legis 7-43-1 dated 12th Aug 1942 directs the publication of the Act in the gazette. The Act has been published in part IV of the Mysore gazette dated 19th Aug 1943

If approved, the file will be sent to G.M. Br. for note and return.

28/8/43

28.8.43

(G. M. Branch)

For Secretary

(Gen. Sec)

30/8

(Legis. Secy)

31.8.43

A printed copy is placed in the file.

31 AUG. 1943

15/9/43

GEN. & REV. SECTT. 28 AUG. 1943 GEN. MIG.

GENERAL SECRETARY. 30 AUG. 1943 1427

LEGISLATIVE DEPT. 1440 3 DY. TO A-STORE

OFFICE OF THE SECRETARY 31 AUG. 1943 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCILS

ACT No. XV OF 1941.

An Act to apply to Mysore the Provisions of the Indian Soldiers (Litigation) Act, 1925.

(*Received the assent of His Highness the Maharaja on the* 16*th day of July* 1941)

Price: 0-0-9

NOTIFICATION.

Order No. Rl. 275—*Legis.* 5-41-1, *dated Bangalore, the* 30*th July* 1941.

Ordered that the accompanying Act to apply to Mysore the provisions of the Indian Soldiers (Litigation) Act, 1925, which received the assent of His Highness the Maharaja, on the 16th day of July 1941, be published as Act No. XV of 1941, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT NO. XV OF 1941.

An Act to apply to Mysore the Provisions of the Indian Soldiers (Litigation) Act, 1925.

(*Received the assent of His Highness the Maharaja on the* 16*th day of July* 1941.)

WHEREAS it is expedient to enforce in Mysore the provisions of the Indian Soldiers (Litigation) Act, 1925, (IV of 1925);

It is hereby enacted as follows:—

1. The Indian Soldiers (Litigation) Act, 1925 (IV of 1925), of the Government of India shall, *mutatis mutandis*, be enforced in Mysore.

2. It shall apply to all the members of the Mysore Military Forces (as defined in the Code of Civil Procedure, 1911) and also to Indian soldiers [as defined in the Indian Soldiers (Litigation) Act, 1925] when such members or soldiers are serving under the conditions specified in section 3 of the said Soldiers (Litigation) Act, 1925.

3. The Indian Soldiers (Litigation) Act, 1915, as enforced in Mysore (Act VI of 1915) is hereby repealed.

N. MADHAVA RAU,
Dewan.

THE INDIAN SOLDIERS (LITIGATION) ACT, 1925.

An Act to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

WHEREAS it is expedient to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called THE INDIAN SOLDIERS (LITIGATION) ACT, 1925.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of April 1925.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Court" means a Civil or Revenue Court;

(*b*) "Indian Soldier" *means any person subject to the Indian Army Act, 1911 (or the Indian Air Force Act, 1932);

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "proceeding" includes any suit, appeal or application.

Circumstance in which an Indian soldier shall be deemed to be serving under special conditions.

3. For the purposes of this Act, an Indian soldier shall be deemed to be or, as the case may be, to have been serving—

(*a*) under special conditions—when he is or has been serving under war conditions, or overseas, or at any place in Persia, Tibet, Afghanistan, Kashmir, Nepal or China, or with any unit the headquarters of which are situated at any place in Chitral, Waziristan, North-West Frontier Province or British Baluchistan, which is more than fifty miles distant by road from the nearest railway station;

(*b*) under war conditions—when he is or has been at any time during the continuance of any hostilities

* Added by Act XIV of 1932, Schedule.

declared by the (Central Government) by notification in the (Official Gazette) to constitute a state of war for the purposes of this Act or at any time during a period of six months thereafter:—

(i) serving out of India,

(ii) under orders to proceed on field service,

(iii) serving with any unit which is for the time being mobilised, or

(iv) serving under conditions which, in the opinion of the prescribed authority, preclude him from obtaining leave of absence to enable him to attend a Court as a party to any proceeding, or when he is or has been at any other time serving under conditions service under which has been declared by the (Central Government) by notification in the (Official Gazette) to be service under war conditions; and

(*c*) *(overseas—when he is or has been serving in any place outside India (other than Ceylon), the journey between which and British India is ordinarily undertaken wholly or in part by sea).

Particulars to be furnished in plaints, applications or appeals to Court.

4. If any person presenting any plaint, application or appeal to any Court has reason to believe that any adverse party is an Indian soldier who is serving under special conditions, he shall state the fact in his plaint, application or appeal.

Power of Collector to intervene in case of unrepresented Indian soldier.

5. If any Collector has reason to belive that any Indian soldier, who ordinarily resides or has property in his district and who is a party to any proceeding pending before any Court, is unable to appear therein, the Collector may certify the facts in the prescribed manner to the Court.

Notice to be given in case of unrepresented Indian soldier.

6. If a Collector has certified under section 5, or if the Court has reason to believe, that an Indian soldier, who is a party to any proceeding pending before it is unable to appear therein, and if the soldier is not represented by any person duly authorised to appear, plead or act on his behalf, the Court shall suspend the proceeding, and shall give notice thereof in the prescribed manner to the prescribed authority:

---

* New clause (c) was substituted by Government of India (Adaptation of Indian Laws) Order, 1937.

Provided that the Court may refrain from suspending the proceeding and issuing the notice if—

(*a*)the proceeding is a suit, appeal or application instituted or made by the soldier, alone or conjointly with others with the object of enforcing a right of pre-emption, or

(*b*) the interests of the soldier in the proceeding are, in the opinion of the Court, either identical with those of any other party to the proceeding and adequately represented by such other party or merely of a formal nature.

Postponement of proceedings.

7. If, on receipt of a notice under section 6, the prescribed authority certifies in the prescribed manner to the Court in which the proceeding is pending that the soldier in respect of whom the notice was given is serving under special conditions, and that a postponement of the proceeding in respect of the soldier is necessary in the interests of justice, the Court shall thereupon postpone the proceeding in respect of the soldier for the prescribed period, or, if no period has been prescribed, for such period as it thinks fit.

Court may proceed when no certificate received.

8. If after issue of a notice under section 6, the prescribed authority either certifies that the soldier is not serving under special conditions or that such postponement is not necessary, or fails to certify, in the case of a soldier resident in the district in which the Court is situate, within two months or in any other case, within three months from the date of the issue of the notice that such postponement is necessary, the Court may, if it thinks fit, continue the proceeding.

Postponement of proceedings against Indian soldier on leave.

9. When any document purporting to be signed by the Commanding Officer of an Indian soldier who is a party to any proceeding is produced by or on behalf of the soldier before the Court in which the proceeding is pending and is to the effect that the soldier—

(*a*) is on leave of absence for a period not exceeding two months, and is on the expiration of his leave to proceed on service under special conditions, or

(*b*) is on sick leave for a period not exceeding three months, and is on the expiration of the leave to rejoin his unit with a view to proceeding on service under special conditions, the proceeding in respect of such soldier may, in any case such as is referred to in the

proviso to section 6, and shall, in any other case, be postponed in the manner provided in section 7.

Power to set aside decrees and orders passed against an Indian soldier serving under war or special conditions.

10. (1) In any proceeding before a Court in which a decree or order has been passed against any Indian soldier whilst he was serving under war conditions or at any time after the 1st day of April, 1925, whilst he was serving under any special conditions, the soldier may apply to the Court which passed the decree or order for an order to set aside the same, and, if the Court after giving an opportunity to the opposite party of being heard, is satisfied that the interests of justice require that the decree or order should be set aside as against the soldier, the Court shall, subject to such conditions, if any, as it thinks fit to impose, make an order accordingly.

(2) No such application shall be entertained unless it is made within two months from the expiry of the first period of thirty days after the date of the decree or order, or where the summons or notice was not duly served on the applicant, after the date on which the applicant had knowledge of the decree or order, during no part of which the soldier was serving under special conditions:

Provided that the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications.

(3) When the decree or order in respect of which an application under sub-section (1) is made is of such a nature that it cannot be set aside as against the soldier only, it may be set aside as against all or any of the parties against whom it has been made.

(4) Where a Court sets aside a decree or order under this section, it shall appoint a day for proceeding with the suit, appeal or application, as the case may be.

Modification of law of limitation where Indian soldier serving under war or special conditions is a party.

11. In computing the period of limitation prescribed by the Indian Limitation Act, 1908, or any other law for the time being in force for any suit, appeal or application to any Court any party to which is or has been an Indian soldier, the time during which the soldier has been serving under war conditions since the 4th day of August, 1914, or under any special conditions since the first day of April, 1925, shall be excluded:

Provided that this section hall not apply in the case of any suit, appeal or application instituted or made with he object of enforcing a right of pre-emption.

Power of Court to refer question as to whether service was under war or other special conditions.

12. If any Court is in doubt whether, for the purposes of section 10 or section 11 any Indian soldier is or was at any particular time serving under war or other special conditions, it may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point.

Rule-making power.

13. The [(Central Government,)[1] after consulting the High Court (concerned,)[2]] may, by notification in the (Official Gazette), make rules to provide for all or any of the following matters, namely:—

(*a*) the manner and form in which any notice or certificate under this Act shall be given;

(*b*) the period for which proceedings or any class of proceedings shall be postponed under section 7;

(*c*) the persons who shall be the prescribed authorities for the purposes of this Act;

(*d*) any other matter which is to be or may be prescribed; and

(*e*) generally any matters incidental to the purposes of this Act.

Power to apply the provision of the Act to other persons in the service of the Crown.

14. (As respects the Provincial Public Services, the Provincial Government, and in other cases, the Central Government)[3] may, by notification in the (Official Gazette), direct that all or any of the provisions of this Act shall apply to any other class of persons in the service of His Majesty specified in such notification in the same manner as they apply to Indian soldiers.

15. (Repealed by Act XII of 1927.)

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1. Substituted for 'Local Government' by Government of India (Adaptation of Indian Laws) Order, 1937.

2. Inserted by *ibid*.

3. Substituted for 'Governor-General in Council' by *ibid*.

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THE INDIAN SOLDIERS (Litigation) AMENDMENT BILL

Statement of Principles.

Act XV of 1941 enforces mutatis mutandis in Mysore the provisions of the British Indian Soldiers (Litigation) Act of 1925. This Act has recently been amended by Ordinance LXIV of 1942 in certain particulars. These amendments are intended to secure the benefits of this Act to soldiers who may be prisoners of war, as well as to legal representatives of such soldiers in certain circumstances. It has been considered necessary to make similar amendments in the law in Mysore. The present Bill is accordingly brought forward to effect this purpose.

The Notes on Clauses appended below indicate the more important of the changes sought to be effected by this Bill.

NOTES on CLAUSES.

Clause 2. - Under this clause and with effect from the date of commencement of the present war, a soldier who is or has been a prisoner of war has to be deemed as serving under war conditions and entitled to the benefits of the principal Act.

Clause 3. - Under this clause, a court is empowered to suspend a proceeding pending before it if it appears to it that the interests of an Indian soldier are likely to be prejudiced even though he may not be a party to the proceeding.

Clause 5. - By the amendment effected under this clause a legal representative of a deceased Indian soldier against whom a decree or order is passed can apply to the court which passed the decree or order to set aside the same.

Clause 6. - The period from the date of the death of an Indian soldier serving under special conditions to the date

on which official intimation thereof was sent to his next of kin is required by this clause to be excluded in computing the period of limitation applicable to cases, any party to which is such a soldier or his legal representative.

The Indian Soldiers (Litigation) Amendment Act, 1943.

Whereas it is expedient to amend the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore; (Act XV of 1941)

It is hereby enacted as follows:--

Short title and commencement

1 (1). This Act may be called the Indian Soldiers (Litigation) Amendment Act, 1943.

(2). It shall come into force at once.

Amendment of section 3, Act IV of 1925.

2. To section 3 of the Indian Soldiers (Litigation) Act, 1925 (as enforced in Mysore) (hereinafter referred to as the said Act), the following Explanation shall be added, namely:--

"Explanation.--For the purposes of this section and with effect from the 3rd day of September, 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions."

Amendment of section 6, Act IV of 1925.

3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:--

"(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."

Amendment of section 9, Act IV of 1925.

4. In section 9 of the said Act, for the word and figure "section 6" the words, brackets and figures "sub-section (1) of section 6" shall be substituted.

Amendment of section 10, Act IV of 1925.

5. In section 10 of the said Act,--

(a) in sub-section (1)--

(i) the words and figures "whilst he was serving under war conditions or at any time after the 1st day of April, 1925" shall be omitted;

(ii) between the words "the soldier" and the words "may apply" the words "or, if he is dead, his legal representative" shall be inserted;

(b) for sub-section (2) the following sub-section shall be substituted, namely:--

"(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications."

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:--

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded:

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption."

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely:--

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point.

Amendment of section 14, Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:--

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government."

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12. THE INDIAN SOLDIERS (LITIGATION) (AMENDMENT) BILL.

Statement of Principles.

Act XV of 1941 enforces *mutatis mutandis* in Mysor the provisions of the British Indian Soldiers (Litigation) Act of 1925. This Act has recently been amended by Ordinance LXIV of 1942 in certain particulars. These amendments are intended to secure the benefits of this Act to soldiers who may be prisoners of war, as well as to legal representatives of such soldiers in certain circumstances. It has been considered necessary to make similar amendments in the law in Mysore. The present Bill is accordingly brought forward to effect this purpose.

THE INDIAN SOLDIERS (LITIGATION) (AMENDMENT) BILL.

WHEREAS it is expedient to amend the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (Act XV of 1941);

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Soldiers (Litigation) (Amendment) Act, 194

(2) It shall come into force at once.

Amendment of section 3, Act IV of 1925.

2. To section 3 of the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (hereinafter referred to as the said Act), the following *Explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this section and with effect from the 3rd day of September 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions".

Amendment of section 6, Act IV of 1925.

3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:—

"(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."

Amendment of section 9, Act IV of 1925.

4. In section 9 of the said Act, for the word and figure "section 6" the words, brackets and figures "sub-section (1) of section 6" shall be substituted.

Amendment of section 10, Act IV of 1

5. In section 10 of the said Act,—

(*a*) in sub-section (1)—

(i) the words and figures "whilst he was serving under war conditions or at any time after the 1st day of April 1925" shall be omitted;

(ii) between the words "the soldier" and the words "may apply" the words "or, if he is dead, his legal representative" shall be inserted;

(*b*) for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications".

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:—

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded:

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption".

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point".

Amendment of section 14, Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :—

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government"

Indian Soldiers (Litigation) amendment Bill

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12. ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ) ಅಕ್ಟನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ.

ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ 1925ನೆಯ ಇಸವಿಯ ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ) ಆಕ್ಟಿನ ನಿಯಮಗಳನ್ನು ಯುಕ್ತವಾದ ಬದಲಾವಣೆಗಳೊಡನೆ, 1941ನೆಯ ಇಸವಿಯ XVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ ಮೂಲಕ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಗೆ ತರಲಾಯಿತು. ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿನ ಆಕ್ಟು ಕೆಲವು ವಿಷಯಗಳಲ್ಲಿ 1942ನೆಯ ಇಸವಿಯ LXIVನೆಯ ನಂಬರಿನ ಆರ್ಡಿನೆನ್ಸ್ ಕಾನೂನಿನಿಂದ ತಿದ್ದುಪಾಟಾಗಿದೆ. 1925ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ ಪ್ರಯೋಜನಾಂಶಗಳು, ಯುದ್ಧದಲ್ಲಿ ಸೆರೆಹಿಡಿಯಲ್ಪಟ್ಟಿರತಕ್ಕ ಸೈನಿಕರಿಗೂ ಮತ್ತು ಕೆಲವು ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಅಂಥ ಸೈನಿಕರ ನ್ಯಾಯಸಮ್ಮತವಾದ ಪ್ರತಿನಿಧಿಗಳಿಗೂ ದೊರೆಯುವಂತೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದೇ ಈ ತಿದ್ದುಪಾಟುಗಳ ಉದ್ದೇಶ. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಆಕ್ಟಿನಲ್ಲಿಯೂ, ಇದೇ ವಿಧವಾದ ತಿದ್ದುಪಾಟುಗಳನ್ನು ಮಾಡುವುದು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸಿದೆ. ಈ ಉದ್ದೇಶವನ್ನು ನೆರವೇರಿಸಲು ಈ ಮಸೂದಾಕಾನೂನನ್ನು ರಚಿಸಿ, ಅದನ್ನು ಸಭಿಕರ ಪರ್ಯಾಲೋಚನೆಗಾಗಿ ಒಪ್ಪಿಸಲಾಗಿದೆ.

ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ) ಅಕ್ಟನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟು.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವಂತೆ ಏರ್ಪಟ್ಟಿರತಕ್ಕ 1925ನೆಯ ಇಸವಿಯ ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟನ್ನು) (ಎಂದರೆ 1941ನೆಯ ಇಸವಿಯ XVನೆಯ ನಂಬರಿನ ಆಕ್ಟನ್ನು) ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಈ ಮೂಲಕ ಕಾನೂನನ್ನು ವಿಧಾಯಕಮಾಡಲಾಗಿದೆ :—

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ

1. (1) ಈ ಆಕ್ಟನ್ನು 194 ನೆಯ ಇಸವಿಯ ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ) ತಿದ್ದುಪಡಿ ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು.

(2) ಅದು ಕೂಡಲೆ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

2. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಗೆ ತಂದಿರುವ 1925ನೆಯ ಇಸವಿಯ ಭಾರತೀಯ ಸೈನಿಕರ (ಕೋರ್ಟು ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ) ಆಕ್ಟಿನ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ಆಕ್ಟು ಎಂದು ಪ್ರಸ್ತಾಪಿಸಲಾಗುವುದು) 3ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವುದನ್ನು ವಿವರಣೆಯಾಗಿ ಸೇರಿಸತಕ್ಕದ್ದು. ಅದು ಯಾವುದೆಂದರೆ :—

"ವಿವರಣೆ.—ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮತ್ತು 1939ನೆಯ ಇಸವಿಯ ಸೆಪ್ಟೆಂಬರ್ 3ನೆಯ ತಾರೀಖಿನಿಂದ ಯುದ್ಧದಲ್ಲಿ ಕೈಸೆರೆ ಸಿಕ್ಕಿ ಬಂದಿಯಾಗಿರುವ ಅಥವಾ ಕೈಸೆರೆ ಸಿಕ್ಕಿ ಬಂದಿಯಾಗಿದ್ದುಕೊಂಡು ಬಂದಿರುವ ಸೈನಿಕನು ಯುದ್ಧದ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಕೆಲಸದಲ್ಲಿರುವಂತೆ ಅಥವಾ ಕೆಲಸದಲ್ಲಿದ್ದುಕೊಂಡುಬಂದಿರುವಂತೆ ಭಾವಿಸತಕ್ಕದ್ದು."

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 6ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

3. ಆಕ್ಟಿನಲ್ಲಿ ಈಗಿರುವ (6)ನೆಯ ಪ್ರಕರಣವನ್ನು, ಅದೇ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣವೆಂದು ಗುರುತುಮಾಡಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಒಳಪ್ರಕರಣವನ್ನು (2)ನೆಯ ಒಳಪ್ರಕರಣವಾಗಿ ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಅದು ಯಾವುದೆಂದರೆ :—

"(2) ಯಾವುದಾದರೊಂದು ವ್ಯವಹರಣೆಯ ಸಂಬಂಧದಲ್ಲಿ ಯಾವ ಕೋರ್ಟಿನವರ ಸಮಕ್ಷಮದಲ್ಲಿ ವಿಚಾರಣೆಯು ನಡೆಯುತ್ತಿದೆಯೋ ಆ ಕೋರ್ಟಿನವರಿಗೆ, ಒಬ್ಬ ಭಾರತೀಯ ಸೈನಿಕನು ಆ ವ್ಯವಹರಣೆಯಲ್ಲಿ ಒಬ್ಬ ಕಕ್ಷಿಗಾರನಾಗಿಲ್ಲದಿದ್ದಾಗ್ಯೂ ಆ ವ್ಯವಹರಣೆಯ ನಡೆವಳಿಕೆಯ ಫಲಿತಾಂಶದಲ್ಲಿ ಗಣನೀಯವಾದಮಟ್ಟಿಗೆ ಸಂಬಂಧಪಟ್ಟಿರುತ್ತಾನೆಂದೂ ಮತ್ತು ಅವನು ಕೋರ್ಟಿಗೆ ಬಂದು ಹಾಜರಾಗಲು ಅವನಿಗೆ ಸಾಧ್ಯವಿಲ್ಲದೆ ಇರುವುದರಿಂದ ಅವನ ಪ್ರಯೋಜನಾಂಶಗಳಿಗೆ ಬಾಧಕವುಂಟಾಗುವ ಸಂಭವವಿದೆಯೆಂದೂ, ಕಂಡುಬಂದರೆ, ಆಗ ಕೋರ್ಟಿನವರು ಸ್ವಲ್ಪಕಾಲದವರೆಗೆ ಕೋರ್ಟಿನ ನಡೆವಳಿಕೆಯನ್ನು ನಿಲ್ಲಿಸಬಹುದು ; ಮತ್ತು ಆ ಬಗ್ಗೆ, ವಿಧಾಯಕವಾಗಿರುವ ರೀತಿಯಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರುವ ಅಧಿಕಾರವರ್ಗದವರಿಗೆ ನೋಟೀಸನ್ನು ಕೊಡತಕ್ಕದ್ದು."

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 9ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

4. ಆಕ್ಟಿನ 9ನೆಯ ಪ್ರಕರಣದ (b) ಕ್ಲಾಜಿನಲ್ಲಿ ಬರುವ "6ನೆಯ ಪ್ರಕರಣದ" ಎಂಬ ಸಂಖ್ಯೆ ಮತ್ತು ಪದಕ್ಕೆ ಬದಲಾಗಿ "6ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣದ" ಎಂಬ ಸಂಖ್ಯೆಗಳು, ಪದಗಳು ಮತ್ತು ಆವರಣ ಚಿಹ್ನೆಗಳು—ಇವುಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

5. ನದರಿ ಆಕ್ಟಿನ 10ನೆಯ ಪ್ರಕರಣದ—

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 10ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

(a) (1) ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ;

(i) "ಯುದ್ಧದ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವಾಗ ಅಥವಾ 1925ನೆಯ ಇಸವಿ ಏಪ್ರಿಲ್ ತಿಂಗಳಿನ ಮೊದಲನೆಯ ತಾರೀಖಿನ ತರುವಾಯ ಯಾವ ಕಾಲದಲ್ಲಾದರೂ" ಎಂಬ ಪದಗಳನ್ನೂ ಮತ್ತು ಸಂಖ್ಯೆಯನ್ನೂ ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

ಮತ್ತು

(ii) "ಯಾವುದಾದರೂ ಕೋರ್ಟು ವ್ಯವಹರಣೆಯಲ್ಲಿ ಅವನು" ಎಂಬ ಪದಗಳಿಗೂ ಮತ್ತು "ಅಂಥ ಡಿಕ್ರಿಯನ್ನು" ಎಂಬ ಪದಗಳಿಗೂ ಮಧ್ಯೆ "ಅಥವಾ ಅವನು ಮೃತಪಟ್ಟಿದ್ದಲ್ಲಿ ಅವನ ನ್ಯಾಯನಮ್ಮತವಾದ ಪ್ರತಿನಿಧಿಯು" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

(b) ಈಗಿರುವ (2)ನೆಯ ಒಳ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವುದನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಅದು ಯಾವುದೆಂದರೆ :—

"(2) ಮೇಲೆಕ್ಕಂಡ (1)ನೆಯ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹಾಕಿಕೊಳ್ಳಬೇಕಾದ ಅರ್ಜಿಯನ್ನು ಹಾಕಿಕೊಳ್ಳುವುದಕ್ಕೆ ಇರತಕ್ಕ ಕಾಲಪರಿಮಿತಿಯು ಆ ಡಿಕ್ರಿಯ ಅಥವಾ ಹುಕುಮಿನ ತಾರೀಖಿನಿಂದ, ಅಥವಾ ಯಾವ ನಡೆವಳಿಕೆಯ ಸಂಬಂಧದಲ್ಲಿ ಡಿಕ್ರಿ ಅಥವಾ ಹುಕುಮು ಸಾದರಾಯಿತೋ ಆ ನಡೆವಳಿಕೆಯ ಸಂಬಂಧದಲ್ಲಿ ಸಮನನ್ನು ಅಥವಾ ನೋಟೀಸನ್ನು ಸೈನಿಕನ ಮೇಲೆ ಕ್ರಮವಾಗಿ ಜಾರಿ ಮಾಡದೆ ಇದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಡಿಕ್ರಿ ಅಥವಾ ಹುಕುಮು ಸಾದರಾದ ವಿಚಾರವು ಅರ್ಜಿದಾರನಿಗೆ ತಿಳಿವಳಿಕೆಗೆ ಬಂದ ತಾರೀಖಿನಿಂದ, ಹೊಂಬತ್ತು ದಿವಸಗಳಾಗಿರತಕ್ಕದ್ದು ; ಮತ್ತು ಅಂಥ ಅರ್ಜಿಗಳಿಗೆ 1908ನೆಯ ಇಸವಿಯ ಇಂಡಿಯಾ ದೇಶದ ಲಿಮಿಟೇರ್ಷ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ ನಿಯಮಗಳು ಅನ್ವಯಿಸತಕ್ಕದ್ದು.

6. ಆಕ್ಟಿನ 11ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವುದನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಅದು ಯಾವುದೆಂದರೆ :—

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ IIನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಹೊಸ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸುವುದು.

"11. ಯಾವುದಾದರೂ ಕೋರ್ಟಿಗೆ ದಾಖಲ್ಮಾಡಲ್ಪಡಬೇಕಾದ ಯಾವುದಾದರೂ ದಾವೆಯ, ಅಪೀಲಿನ ಅಥವಾ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ ಅಥವಾ ಒಬ್ಬ ಕಕ್ಷಿಗಾರನಾಗಿರತಕ್ಕ ಒಬ್ಬ ಕಕ್ಷಿಗಾರನಾಗಿದ್ದುಕೊಂಡು ಬಂದಿರತಕ್ಕ ಯಾವನಾದರೂ ಆಸಾಮಿಯು ಒಬ್ಬ ಭಾರತೀಯ ಸೈನಿಕನಾಗಿದ್ದರೆ, ಅಥವಾ ಆ ಸೈನಿಕನ ನ್ಯಾಯ ಸಮ್ಮತವಾದ ಪ್ರತಿನಿಧಿಯಾಗಿದ್ದರೆ, ಆ ಸೈನಿಕನು ವಿಶೇಷ ರೀತಿಯ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಕೆಲಸದಲ್ಲಿದ್ದುಕೊಂಡು ಬಂದಿರುವ ಅವಧಿಯನ್ನೂ ಮತ್ತು ಹಾಗೆ ಕೆಲಸಮಾಡಿಕೊಂಡುಬರುತ್ತಿದ್ದ ಕಾಲದಲ್ಲಿ ಸೈನಿಕನು ಮೃತಪಟ್ಟಿದ್ದರೆ ಅವನು ಮೃತಪಟ್ಟ ತಾರೀಖಿನಿಂದ ಆ ವಿಷಯವನ್ನು ಕುರಿತು ಅವನ ಕೇವಲ ಸಮಾಜದ ಬಂಧುವಿಗೆ ವರ್ತಮಾನವನ್ನು ಅಧಿಕಾರಯುತವಾಗಿ ಇಂಡಿಯಾದಲ್ಲಿರುವ ಅಧಿಕಾರ ವರ್ಗದವರು ಕಳುಹಿಸುವವರೆಗೂ ಇರುವ ಕಾಲದ ಅವಧಿಯನ್ನೂ, ಅಂಥ ದಾವೆಯ, ಅಪೀಲಿನ, ಅಥವಾ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ, ಈ ಆಕ್ಟಿನ 10ನೆಯ ಪ್ರಕರಣದ (2)ನೇಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗಾಗಲಿ ಅಥವಾ 1908ನೆಯ ಇಸವಿಯ ಇಂಡಿಯಾ ಲಿಮಿಟೇರ್ಷ ಆಕ್ಟಿನ ಮೇರೆಗಾಗಲಿ, ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರತಕ್ಕ ಇತರ ಯಾವುದಾದರೂ ಕಾನೂನಿನ ಮೇರೆಗಾಗಲಿ ವಿಧಾಯಕವಾದ "ಲಿಮಿಟೇರ್ಷ" ವಾಯಿದೆಯ ಅವಧಿಯನ್ನು ಲೆಕ್ಕಮಾಡುವುದರಲ್ಲಿ ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

ಪರಂತು, ಯಾವುದಾದರೂ ಸ್ವತ್ತನ್ನು ವಿಕ್ರಯದಲ್ಲಿ ಪಡೆಯುವುದಕ್ಕೆ ಇತರರಿಗಿಂತಲೂ ಮೊದಲು ತನಗಿರತಕ್ಕ ಹಕ್ಕನ್ನು ಸಾಧಿಸುವ ಉದ್ದೇಶದಿಂದ ಅಂಥ ಯಾವನಾದರೂ ಆಸಾಮಿಯು ದಾಖಲ್ಮಾಡಿರತಕ್ಕ ಯಾವ ದಾವೆಯ, ಅಪೀಲಿನ ಅಥವಾ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಾಗಲಿ ಈ ಪ್ರಕರಣವು ಅನ್ವಯಿಸತಕ್ಕದ್ದಲ್ಲ,"

7. ಆಕ್ಟಿನ 12ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವುದನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಅದು ಯಾವುದೆಂದರೆ :—

1925ನೆಯ ಇಸವಿಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 12ನೆಯ ಪ್ರಕರಣಕ್ಕೆ ಬದಲಾಗಿ ಒಂದು ಹೊಸ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸುವುದು.

"12. ಮೇಲೆ ಕಂಡ 10 ಅಥವಾ 11ನೆಯ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಯಾವನಾದರೂ ಭಾರತೀಯ ಸೈನಿಕನು ಫಲಾನಾ ಯಾವುದಾದರೂ ಕಾಲದಲ್ಲಿ ವಿಶೇಷ ರೀತಿಯ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಕೆಲಸದಲ್ಲಿದ್ದಾನೆಯೆ ಅಥವಾ ಕೆಲಸದಲ್ಲಿದ್ದನೆ, ಅಥವಾ ಹಾಗೆ ಕೆಲಸದಲ್ಲಿದ್ದಾಗ ಮೃತಪಟ್ಟನೆ, ಎಂಬ ವಿಷಯದಲ್ಲಾಗಲಿ ಅಥವಾ ಹಾಗೆ ಮೃತಪಟ್ಟಿದ್ದಲ್ಲಿ ಮೃತಪಟ್ಟ ತಾರೀಖು

ಯಾವುದು ಅಥವಾ ಹಾಗೆ ಮೃತಪಟ್ಟ ವಿಷಯವನ್ನು ಕುರಿತು ಆತನ ಕೇವಲ ಸಮೀಪದ ಬಂಧುವಿಗೆ, ಇಂಡಿಯಾದಲ್ಲಿರುವ ಅಧಿಕಾರ ವರ್ಗದವರು ವರ್ತಮಾನವನ್ನು ಅಧಿಕಾರಯುತವಾಗಿ ಕಳುಹಿಸಿದ ತಾರೀಖು ಯಾವುದು, ಎಂಬ ವಿಷಯದಲ್ಲಾಗಲಿ ಯಾವ ಕೋರ್ಟಿನವರಿಗಾದರೂ ಸಂದೇಹವುಂಟಾಗಿದ್ದರೆ, ಆ ವಿಷಯದಲ್ಲಿ ತೀರ್ಮಾನವನ್ನು ಕೋರಿ ಆ ವಿಚಾರವನ್ನು ಗೊತ್ತಾದ ಅಧಿಕಾರ ವರ್ಗದವರಿಗೆ ಕಳುಹಿಸತಕ್ಕದು. ಆ ಅಧಿಕಾರ ವರ್ಗದವರಿಂದ ಕೊಡಲ್ಪಟ್ಟ ಸರ್ಟಿಫಿಕೇಟು ಆ ವಿಚಾರದಲ್ಲಿ ನಿರ್ವಿವಾದವಾದ ರುಜುವಾತಾಗಿರತಕ್ಕದು."

8. ಆಕ್ಟಿನ 14ನೆಯ ಪ್ರಕರಣವನ್ನು ಅದೇ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳ ಪ್ರಕರಣವೆಂದು ಗುರುತುಮಾಡಿ, ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವುದನ್ನು (2)ನೆಯ ಒಳ ಪ್ರಕರಣವಾಗಿ ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದು. ಅದು ಯಾವುದೆಂದರೆ :—

1925ನೆಯ ಇನಪಯ IVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 14ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುವಾಟು.

"(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಪ್ರಾಂತಿಕ ಸರ್ಕಾರದವರು ಚಕ್ರವರ್ತಿ ಸಾರ್ವಭೌಮರವರ ನೌಕರಿಯಲ್ಲಿರುವ ಯಾವುದಾದರೂ ತರಗತಿಯ ಜನಗಳಿಗೆ ಈ ಆಕ್ಟಿನ ಎಲ್ಲ ನಿಯಮಗಳಾಗಲಿ ಅಥವಾ ಯಾವುವಾದರೂ ನಿಯಮಗಳಾಗಲಿ ಅನ್ವಯವಾಗತಕ್ಕದೆಂದು ಅಪ್ಪಣೆ ಮಾಡಿದರೆ, 3ನೆಯ ಮತ್ತು 13ನೆಯ ಪ್ರಕರಣದಿಂದ ಕೇಂದ್ರ ಸರ್ಕಾರದವರಿಗೆ ವಹಿಸಿಕೊಡಲ್ಪಟ್ಟಿರುವ ಅಧಿಕಾರಗಳನ್ನು ಆ ಪ್ರಾಂತಿಕ ಸರ್ಕಾರದವರು ಅಂಥ ತರಗತಿಯ ಜನಗಳ ವಿಷಯದಲ್ಲಿ ಚಲಾಯಿಸತಕ್ಕದು."

A BILL TO AMEND THE INDIAN SOLDIERS (LITIGATION ACT, 1925, AS ENFORCED IN MYSORE by ACT XV of 1941.

Existing section	Amendment proposed.	Section as amended	Remarks
		2. To section 3 of the Indian Soldiers (Litigation) 1925, as enforced in Mysore (hereinafter referred to as the said Act), the following *Explanation* shall be added, namely :— Amendment of section 3, Act IV of 1925. " *Explanation.*—For the purposes of this section and with effect from the 3rd day of September 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions "	
		3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :— Amendment of section 6, Act IV of 1925. "(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."	
Section 9	Words underlined in column 3 shall be substituted.	9. When any document purporting to be signed by the Commanding Officer of an Indian solder who is a party to an proceeding is produced by or on behalf of the soldier before the Court in which the proceeding is pending and is to the effect that the soldier - (a) is on leave of absence for a period not exceeding two months, and is on the expiration of his leave to proceed on service under special conditions, or (b) is on sick leave for a period not exceeding three months, and is on the expiration of the leave to rejoin his unit with a view to proceeding on service under special conditions, the proceeding in respect of such soldier may, in any case such as is referred to in the proviso to sub-section (1) of section 6 and shall, in any other case, be postponed in the manner provided in section 7.	

Existing section	Amendment proposed	Section as amended	Remarks
Section 10(1)	Certain words shown by dots in column 3 shall be omitted and words underlined shall be inserted.	Section 10(1).- In any proceeding before a Court in which a decree or order has been passed against any Indian soldier ..... whilst he was serving under any special conditions, the soldier or, if he is dead, his legal representative may apply to the Court which passed the decree or order for an order to set aside the same, and, if the Court after giving an opportunity to the opposite party of being heard, is satisfied that the interests of justice require that the decree or order should be set aside as against the soldier, the Court shall, subject to such conditions, if any, as it thinks fit to impose, make an order accordingly.	
Section 10(2)	New sub-section mentioned in column 3 shall be substituted.	Section 10(2).- The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications.	

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:—

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded:

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption".

Existing section	Amendment proposed	Section as amended	Remarks

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point'

Amendment of section 14, Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :—

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government".

THE INDIAN SOLDIERS LITIGATION AMENDMENT BILL.

Sir, I beg to move that the Indian Soldiers Litigation Amendment Bill published under Rule 36 of the Mysore Legislative Council Rules be taken into consideration by the Council.

By Act XV of 1941 which had the approval of the honourable members of th ıse in June 1941, the provisions of the Indian Soldiers Litigation Act (1925) of British India was put into force in Mysore. Members are doubtless aware that the provisions of this Act are intended to provide for the special protection, in respect of civil and revenue litigation, of soldiers serving under special conditions. The Act is, among other things, intended to suspend and postpone the proceedings to which a soldier who is a party and is not represented therein. In computing periods of limitation in such cases, the time during which the soldier was serving under war conditions or special conditions is also required to be excluded.

The British Indian Act has been amended recently by an Ordinance in certain particulars. As the notes on clauses appended to the Bill will show these amendments are intended to secure the benefits of the principal Act to soldiers who are prisoners of War as well as to legal representatives of such soldiers in certain circumstances. Members will see that these amendments have become necessary as a result of the present war in which many of our Mysore Troops are taking an active and a very conspicuous part. As it is intended to protect the interests of such soldiers which, by reason of their absence from Mysore, they are unable to safeguard, I am sure it will have the unanimous support of the members of this House. The Representative Ass gave its unanimous support to the general princip/

As passed by the Legislative council on 5th July 1943

No. Rl. 1120, *dated Bangalore, the 7th June 1943.*

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Indian Soldiers' Litigation (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

THE INDIAN SOLDIERS (LITIGATION) (AMENDMENT) BILL.

WHEREAS it is expedient to amend the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (Act XV of 1941);

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Soldiers (Litigation) (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of section 3, Act IV of 1925.

2. To section 3 of the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (hereinafter referred to as the said Act), the following *Explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this section and with effect from the 3rd day of September 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions".

Amendment of section 6, Act IV of 1925.

3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:—

"(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."

Amendment of section 9, Act IV of 1925.

4. In section 9 of the said Act, for the word and figure "section 6" the words, brackets and figures "sub-section (1) of section 6" shall be substituted.

Amendment of section 10, Act IV of 1925.

5. In section 10 of the said Act,—

(*a*) in sub-section (1)—

(i) the words and figures "whilst he was serving under war conditions or at any time after the 1st day of April 1925" shall be omitted;

(ii) between the words "the soldier" and the words "may apply" the words "or, if he is dead, his legal representative" shall be inserted;

(*b*) for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications".

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:—

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded:

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption".

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point

Amendment of section 14. Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :—

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government".

D. H. Chandrasekharaiya 12/7/43
President
Legislative Council

Statement of objects and reasons.

Act XV of 1941 enforces *mutatis mutandis* in Mysore the provisions of the British Indian Soldiers (Litigation) Act of 1925. This Act has recently been amended by Ordinance LXIV of 1942 in certain particulars. These amendments are intended to secure the benefits of this Act to soldiers who may be prisoners of war, as well as to legal representatives of such soldiers in certain circumstances. It has been considered necessary to make similar amendments in the law in Mysore. The present Bill is accordingly brought forward to effect this purpose.

D. F. & N.

Subject: Promulgation of the Indian Soldiers (Litigation) (Amendment) Bill.

----- x -----

The gracious approval of His Highness was accorded on the 6th of April 1943 to the proposal to amend the Indian Soldiers (Litigation) Act as in force in Mysore on the lines of the amending Ordinance promulgated in British India. The Bill drafted for this purpose was placed before the Representative Assembly during ~~the~~ ~~recent~~ last Budget Session and was approved by that Chamber. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

A copy of the Bill as passed in the Council and ~~sent~~ signed by the President under ~~rule~~ Standing Order 44 of the Mysore Legislative ~~Rules~~ Council Standing Orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

MINISTER FOR EDUCATION.

14.7.43

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 165 Legi 7-43-1

Dated, Bangalore, 16th Aug 1943

Ordered that the accompanying Indian Soldiers (Litigation) (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 26th day of July 1943, be published as Act No. XXIX of 1943, in the *Mysore Gazette*, for general information.

Cas 6
10-

By Order *General Secretary to Government.*

Law Department

SVN
10/8

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Order No. RW 65 / Legis. 7-43-1

Dated, Bangalore, 12th August 1943.

Ordered that the accompanying Indian Soldiers (Litigation) (Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 26th day of July 1943, be published as Act No. XXIX of 1943 in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada, and for supply of spare copies in English and Kannada as per standing orders.

Copy to the Translation Section.

PR3/11-8

No. Rl. 1120, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Indian Soldiers' Litigation (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,

tary to Government,
Law Department.

Act No XXIX of 1943

THE INDIAN SOLDIERS (LITIGATION) (AMENDMENT) Act 1943

(Received the assent of His Highness the Maharaja on the 26th day of July 1943)

BILL

WHEREAS it is expedient to amend the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (Act XV of 1941);

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Soldiers (Litigation) (Amendment) Act, 194[illegible].

(2) It shall come into force at once.

Amendment of section 3, Act IV of 1925.

2. To section 3 of the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (hereinafter referred to as the said Act), the following *Explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this section and with effect from the 3rd day of September 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions".

Amendment of section 6, Act IV of 1925.

3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:—

"(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."

Amendment of section 9, Act IV of 1925.

4. In section 9 of the said Act, for the word and figure "section 6" the words, brackets and figures "sub-section (1) of section 6" shall be substituted.

Amendment of section 10, Act IV of 1925.

5. In section 10 of the said Act,—

(*a*) in sub-section (1)—

(i) the words and figures "whilst he was serving under war conditions or at any time after the 1st day of April 1925" shall be omitted;

ii) between the words "the soldier" and the words "may apply" the words "or, if he is dead, his legal representative" shall be inserted;

(*b*) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications".

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:—

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded:

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption".

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point"

Amendment of section 14, Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :—

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government".

(Sd). N. Madhava Rau
Dewan

Statement of objects and reasons.

Act XV of 1941 enforces *mutatis mutandis* in Mysore the provisions of the British Indian Soldiers (Litigation) Act of 1925. This Act has recently been amended by Ordinance LXIV of 1942 in certain particulars. These amendments are intended to secure the benefits of this Act to soldiers who may be prisoners of war, as well as to legal representatives of such soldiers in certain circumstances. It has been considered necessary to make similar amendments in the law in Mysore. The present Bill is accordingly brought forward to effect this purpose.

NOTIFICATION

Order No. Rl. 165—*Legis.* 7-43-1, *dated Bangalore, the* 12*th August* 1943.

Ordered that the accompanying Indian Soldiers (Litigation) (Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 26th day of July 1943, be published as Act XXIX of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT XXIX OF 1943.

THE INDIAN SOLDIERS (LITIGATION) (AMENDMEI ACT, 1943.

(Received the assent of His Highness the Maharaja on the Twenty-sixth day of July 1943.)

WHEREAS it is expedient to amend the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (Act XV of 1941);

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Soldiers (Litigation) (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of section 3, Act IV of 1925.

2. To section 3 of the Indian Soldiers (Litigation) Act, 1925, as enforced in Mysore (hereinafter referred to as the said Act), the following *explanation* shall be added, namely:—

"*Explanation.*—For the purposes of this section and with effect from the 3rd day of September 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions".

Amendment of section 6, Act IV of 1925.

3. Section 6 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely:—

"(2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is

materially concerned in the outcome of the proceeding, and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed authority."

Amendment of section 9, Act IV of 1925.

4. In section 9 of the said Act, for the word and figure "section 6" the words, brackets and figures "sub-section (1) of section 6" shall be substituted.

Amendment of section 10, Act IV of 1925.

5. In section 10 of the said Act,—

(*a*) in sub-section (1)—

(i) the words and figures "whilst he was serving under war conditions or at any time after the 1st day of April 1925" shall be omitted;

(ii) between the words "the soldier" and the words "may apply" the words "or, if he is dead, his legal representative" shall be inserted;

(*b*) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) The period of limitation for an application under sub-section (1) shall be ninety days from the date of the decree or order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or order was passed, from the date on which the applicant had knowledge of the decree or order; and the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications".

Substitution of new section for section 11, Act IV of 1925.

6. For section 11 of the said Act the following section shall be substituted, namely:—

"11. In computing the period of limitation prescribed by sub-section (2) of section 10 of this Act, the Indian Limitation Act, 1908, or any other law for the time being in force, for any suit, appeal or application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which

the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next of kin by the authorities in India, shall be excluded :

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption ".

Substitution of new section for section 12, Act IV of 1925.

7. For section 12 of the said Act the following section shall be substituted, namely :—

"12. If any Court is in doubt whether, for the purposes of section 10 or section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next of kin by the authorities in India, the Court may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point ".

Amendment of section 14, Act IV of 1925.

8. Section 14 of the said Act shall be renumbered as sub-section (1) of that section and the following sub-section shall be added, namely :—

"(2) Where, under this section, the Provincial Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the service of His Majesty, the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government ".

N. MADHAVA RAU,
Dewan.

Price Re. 0-0-6.

Printed by the Superintendent at the Government Press, Bangalore.

He therefore hoped that the Bill would be adopted without any dissent.

Messrs. Shampoor PAPANNA and VENKATANAGAPPA SETTY also supported the measure, though they did not see the relevancy of the reference made to the income-tax rates obtaining in foreign countries by the previous speaker.

Mr. Bhupalam R CHANDRASEKHARAYYA was glad that at least in the matter of enhancing the income-tax the Congress members had joined hands with the Government, in spite of the fact that the revenue was to be utilised for war purposes.

The rates of income-tax obtaining in Indian States were, as a rule, lower than those in British India. It was because of that, that money was flowing freely into the State from outside in the form of share capital for joint-stock concerns. He was afraid that the proposed enhanced rates would hinder such investments in future. It might also have an adverse effect on the financial stability of certain factories in the State as there was every possibility of the War-risk Insurance scheme being adopted in Mysore, entailing the payment of heavy premia by the factories. ~~If~~ The enhancement of the income-tax at such a time might hamper their prosperity, which he felt, should be guarded against seeing that some of them were engaged in the production of essential war materials. He therefore suggested that in the case of companies, the enhanced rates be applied only to those with an income exceeding Rs.1 lakh and not Rs.4,800 as proposed in the Bill.

Mr. MIRZA AZEEZULLA BAIG invited the attention of the House to the ~~Prime~~ Dewan's observations in his address to the effect that it had become imperative to find new sources of revenue to make up the differences between receipts and expenditure, and hoped that the Bill would

would be passed unanimously. There was no ocasion for the apprehension that the enhanced rates of income-tax would result in harpering the industrial prosperity of the State, since it would apply only to companies earning large profits, which could easily bear the extra burden.

Messrs. T.S.RAJAGOPALA IYENGAR and A.NANJUNDA RAO also supported the measure. The former stated that the revenue from enhanced rates would come to Rs.7 or Rs.8 lakhs and that a good part of it would accrue from the Gold Mining Companies, which, by virtue of having their head-quarters in England, were paying very much higher rates of income-tax there. The enhancement of the rates in Mysore would not be to their detriment, since they would be obtaining relief from their home countries to a corresponding extent. As the State revenue would be benefited ~~to a good extent~~ largely by the enhanced rate proposed they were sure nobody would oppose the Bill.

Mr. JATHARE NAIK also gave his whole-hearted support to the Bill.

Mr. KHAJI SYED YUSUF explained that Government had made it clear that the enhanced rates had become necessary to meet the increasing demands for funds resulting from the war, which was nearing the shores of India. Moreover, if this Bill was accepted by the House, the ryots would not be troubled with additional taxation. For these reasons, he said that it could be made a permanent piece of legislation.

Mr. Ballam SRINIVASA RAO expressed the hope that the rates of income-tax would be brought back to the ~~old~~ original level after the war-~~xxxx~~ emergency was over.